

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

JAMES R. SEAY, SR., TRUSTEE OF THE
JAMES R. SEAY, SR. REVOCABLE TRUST
AND STAN E. ELAM

PLAINTIFFS

VS.

CAUSE NO. 07-04-0796

CITY OF HERNANDO, MISSISSIPPI

DEFENDANT

ORDER

THIS CAUSE came on to be heard upon the Complaint for Declaratory Judgment of James R. Seay, Sr., Trustee of the James R. Seay, Sr. Revocable Trust, and Stan E. Elam, by and through counsel, and the Court finding that all parties are properly before this Court, the Court having advanced this matter on its calendar pursuant to the authority of Rule 57 of the Mississippi Rules of Civil Procedure, and the Court having reviewed the pleadings as filed herein and the Defendant's response thereto, finds and adjudicates as follows:

1. This Court has jurisdiction and venue of the parties and subject matter of this cause.
2. The City of Hernando, at it's regular public meeting of the Board of Alderman, properly noticed for April 17, 2007, entered an Order on its minutes vacating a portion of "Old McIngvale Road" located within the municipal limits of the City of Hernando, DeSoto County, Mississippi, and which property is more particularly described in the Exhibit "A" attached hereto and which is incorporated herein by specific reference.
3. The Court finds that the portion of "Old McIngvale Road" that was vacated by the City of Hernando is located adjacent to and east of the property currently owned by James R. Seay, Sr., Trustee of the James R. Seay, Sr. Revocable Trust, and Stan E. Elam, said property acquired by the

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W E DAVIS, CLERK

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aforesaid from Wilson L. Douglas, who being the predecessor in title at one time owned in fee simple the property as set forth in Exhibit "A".

4. The Court finds that James R. Seay, Sr., Trustee of the James R. Seay, Sr. Revocable Trust and Stan E. Elam are the abutting land owners who are entitled to fee simple interest in the land upon which the vacated roadway was located and the Court finds that at no point did the City of Hernando have a written easement or right of way to said property.

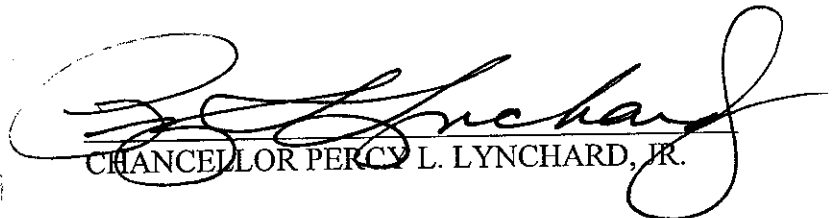
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. James R. Seay, Sr., Trustee of the James R. Seay, Sr. Revocable Trust, and Stan E. Elam, are hereby declared to be the fee simple owners of the land upon which that portion of "Old McIngvale Road" vacated by the City of Hernando on April 17, 2007, was located, as described in Exhibit "A" attached hereto and incorporated herein by reference.

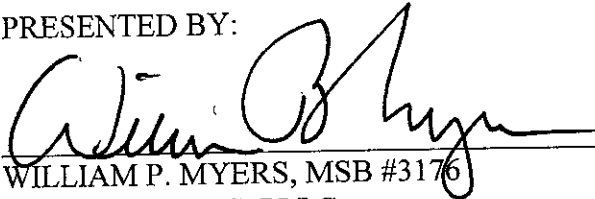
2. James R. Seay, Sr., Trustee of the James R. Seay, Sr. Revocable Trust, and Stan E. Elam, are entitled to amend the plat of Lot 2, Douglas Commercial Subdivision to include that portion of "Old McIngvale Road" that was vacated by the City of Hernando on April 17, 2007 and that the filing of such revised and amended plat is subject to the terms, conditions and requirements of the City of Hernando, Mississippi.

3. The clerk of the Chancery Court shall record this Order in its deed records accordingly.

SO ORDERED, ADJUDGED AND DECREED, this the 1st day of ^{May}~~April~~, 2007.


CHANCELLOR PERCY L. LYNCHARD, JR.

PRESENTED BY:



WILLIAM P. MYERS, MSB #3176

MYERS GRAVES, PLLC

P.O. Box 876

Hernando, MS 38632

(662) 429-1994

AGREED AS TO FORM AND CONTENT:



KENNETH E. STOCKTON, MSB #9041

CITY ATTORNEY FOR HERNANDO

475 W. Commerce St.

Hernando, MS 38632

(662) 429-3469

April 18, 2007

DESCRIPTION OF A 0.227 ACRE PARCEL LOCATED WITHIN THE OLD SECTION OF MCINGVALE ROAD IN PART OF THE NORTHEAST QUARTER OF SECTION 18; TOWNSHIP 3 SOUTH; RANGE 7 WEST; CITY OF HERNANDO IN DESOTO COUNTY, MISSISSIPPI.

Beginning at a point in the centerline of East Commerce Street, said point being 222.0 feet west of the southeast corner of the northeast quarter of Section 18; Township 3 South; Range 7 West; thence north 40.0 feet to a point in the north right of way of said street and a corner of lot 2 of the Douglas Commercial Plaza; thence north 82 degrees 57' 34" east 59.41 feet along said right of way to the true point of beginning of the following parcel: thence north 82 degrees 57' 34" east 27.07 feet to a point; thence north 51 degrees 15' 50" east 38.34 feet to a point; thence north 8 degrees 48' 15" east 108.00 feet to a point; thence north 8 degrees 15' 25" west 165.92 feet to a point in the north line of said lot 2 of the Douglas Commercial lot; thence south 7 degrees 20' 55" west 145.43 feet to a point; thence south 11 degrees 20' 11" west 157.09 feet to the point of beginning and containing 0.227 acres more or less. All bearings are magnetic.

J. F. Lauderdale L.S.

